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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-ninth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

People's Republic of China

1. The Committee examined the fifth, sixth and seventh periodic reports of the People's Republic of China, which were submitted in a single document (CERD/C/275/Add.2), at its 1163rd and 1164th meetings held on 8 and 9 August 1996 (see CERD/C/SR.1163-1164). In the light of the examination of the report and the observations made by the members of the Committee, the Committee, at its 1179th meeting, on 20 August 1996, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined periodic report of the State party and the resumption of dialogue. The Committee regrets that the report contained insufficient data on health, education, welfare and other social and economic conditions of life of the different minority groups, which made it difficult to assess properly the implementation of the Convention in the State party. However, it expresses its satisfaction with the additional oral and written information provided by the delegation representing the State party and with the constructive nature of the dialogue between the delegation and the Committee which, due to a restrictive timetable, could unfortunately not be prolonged.

3. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention; some members requested the State party to consider the possibility of making such a declaration.

B. Factors and difficulties affecting the implementation of the Convention

4. Note is taken of the large number of minorities which, according to the State party, include 55 nationalities. Since a significant percentage of these nationalities do not reside in the autonomous minority areas, it is difficult to assess their living conditions with precision. Note is also taken of the difficulties in standardizing essential services throughout the vast territory of China.

C. Positive aspects

5. The strong economic growth experienced in recent years by the State party is a positive factor and should provide greater possibilities for public investment in areas that require urgent attention. In particular, indications by the State party that minority areas are granted public investment on a priority basis are viewed with great satisfaction.

6. Satisfaction is expressed that the living standards of minority peoples have improved in recent years, particularly with respect to preferential treatment with regard to marriages, family planning, university admissions, employment, etc.

7. Satisfaction is expressed at the efforts to preserve the linguistic heritage of the minority nationalities. Such efforts include the provision of textbooks, the development of school curricula and the publication of newspapers and literary works in the minority languages.

8. The State's policy of largely exempting members of minority nationalities from the birth control regulations which generally apply in China is welcomed.

9. The promulgation of laws and regulations at the various administrative levels covering many aspects of the lives of members of minorities is an indication that a policy of promoting the status of minorities is being pursued.

10. With respect to the autonomous areas, it is noted with appreciation that the law on regional autonomy for minority nationalities guaranties that a proportion of local government officials is drawn from local nationalities.

D. Principal subjects of concern

11. Concern is expressed at the lack of protective legal provisions for minority groups that are scattered throughout China. The absence of information regarding these minorities' enjoyment of rights enumerated in the Convention is noted with regret.

12. Further information regarding the ban on domestic organizations that propagate racial discrimination or the superiority of any people would be necessary to make a proper assessment of the implementation of article 4.

13. Concern is expressed with respect to reports concerning incentives granted to members of the Han nationality to settle in autonomous areas, as this may result in substantial changes in the demographic composition and in the character of the local society of those areas.

14. Taking into consideration that a distinctive religion is essential to the identity of several minority nationalities, concern is expressed with regard to the actual enjoyment of the right to freedom of religion in the State, particularly in the Muslim parts of Xinjiang and in Tibet, including the preservation of places of worship and the exercise of religious rights by members of all ethnic groups.

15. Concern is expressed at reported cases of violation in the autonomous regions of Xinjiang and Tibet of the right to security of person and protection against violence or bodily harm, as contained in article 5 (b) of the Convention. With regard to prison facilities, it is regretted that limited information is contained in the report on the percentage of persons imprisoned who are of minority origin relative to the total prison population in the State as a whole, the types of violations they have been charged with and the prison conditions under which they serve their sentences.

16. Concern is expressed at the underrepresentation in business in some areas of persons of minority groups, which may be indicative of structural obstacles to their enjoyment of increases in economic prosperity. Concern is also expressed with regard to allegations that members of minority nationalities may not enjoy the same working conditions as persons of Han origin.

17. With respect to article 5 (e) (v) of the Convention, concern is expressed that at the secondary school and university levels children from minority nationalities are underrepresented. Moreover, concern is expressed that the instruction provided in the curricula on the history and culture of minority nationalities is not adequate as compared to the education provided concerning the history and culture of persons of the Han nationality.

18. Concern is expressed at the disparities in access to economic, social and cultural benefits by different ethnic groups. While the difficulties in providing such benefits to regions far removed from the capital and developed economic regions are appreciated, the effects of the differing levels of economic development of different regions and their impact on different communities are of concern, as they may generate racial discrimination towards disadvantaged groups. In addition, efforts with respect to economic development and national modernization should not deprive members of such ethnic groups of their right to their own culture, in particular their traditional ways of life.

19. With respect to article 7, concern is expressed about whether the efforts in teaching and education to combat prejudices which lead to racial discrimination are sufficient.

20. Concern is expressed about the content and implementation of the law of 1995 on mother and child health care and its impact on minority nationalities.

E. Suggestions and recommendations

21. The Committee recommends that the Government make all acts of racial discrimination, as specified in article 4 of the Convention, punishable by law. In this respect, it notes with satisfaction indications that the Government would welcome technical assistance from the technical cooperation services of the Centre for Human Rights of the United Nations.

22. The Committee recommends that with respect to article 4 more detailed information regarding the ban on domestic organizations that propagate racial discrimination or the superiority of any people be submitted in the State party's next report.

23. The Committee recommends that comprehensive information regarding the composition of the population, the geographic areas where minority nationalities are concentrated, their standard of living and other educational and social indices be included in the next report. Such information should be provided not only with respect to minority nationalities living in the autonomous areas, but also as far as possible with respect to those dispersed in various regions. With regard to the latter groups, the Committee would appreciate information regarding the legal protection available to dispersed minorities relative to the rights provided for in the Convention.

24. The Committee recommends that consideration be given to the inclusion of more members of minority nationalities in positions of leadership, not only in the Government but also in the Party and other institutions at both the national and local levels.

25. The Committee recommends that the elaboration and adoption of autonomy regulations for the five autonomous regions, which were envisioned in the 1984 Law on Autonomous Regions, be expedited.

26. The Committee recommends that any policies or practices that may result in a substantial alteration of the demographic composition of autonomous areas be reviewed.

27. The Committee recommends that information and clarification be provided in the next periodic report on allegations of destruction by the State of mosques, Buddhist and Lama temples and other places of worship of the minority nationalities. It encourages the Government to avoid any restriction on the exercise of religious rights of the members of minority nationalities.

28. The Committee recommends that in relation to respect for article 5 (b) of the Convention information be provided in the next report concerning the number and percentage of persons detained who are of minority origin relative to the total prison population of the State party and the types of violations with which they have been charged.

29. The Committee recommends that further necessary legal, administrative or other appropriate measures be taken to ensure that there is no discrimination against members of minority nationalities, in either the public service or private employment, with respect to the right to just and favourable conditions of work and the right to just and favourable remuneration.

30. With respect to article 5 (e) (v) of the Convention concerning the right to education, the Committee recommends that the State party ensure access by members of minority nationalities to education at all levels and that, in autonomous areas, instruction on the history and culture of the relevant minority nationalities be included in the school curricula.

31. The Committee recommends that special attention be paid to any adverse effect that economic development and national modernization may have on the enjoyment of the right to culture, particularly of minority nationalities.

32. With respect to article 6 of the Convention, the Committee recommends that the State party provide in its next periodic report information and statistics on complaints filed and judgements passed on acts of racial discrimination.

33. The Committee recommends that the State party consider how it may implement the provisions of article 7 and incorporate in the school curricula and the training of persons working in the public service, appropriate instruction effectively to combat prejudice and promote tolerance.

34. The Committee recommends that the text of the Convention, the State report and the present concluding observations of the Committee be widely disseminated and made available in national languages, particularly those spoken in autonomous areas.

35. The Committee recommends that the State party ratify at its earliest convenience the amendments to article 8, paragraph 6, of the Convention, adopted by the 14th meeting of States parties.

36. The Committee recommends that the State party's next periodic report, due on 28 January 1997, be updating in character and that it address all points raised in these concluding observations.